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22855

U.S.PTO

DW/SB/05-2 (01-18-04)  
DEWIPAT No. 30.023.12.US

UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR FILING  
CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37  
C.F.R. §1.53(b)**

Attorney Docket No.	ARC 2468 N2
First Named Inventor	Victoria Knepp Maskiewicz
Title	Stable Protein and Nucleic Acid Formulations Using Non-Aqueous, Anhydrous, Aprotic, Hydrophobic, Non-Polar Vehicles with Low Reactivity
Express Mail Label No.	EU428835920US

**ADDRESS TO:** **Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

10/17/03 149  
22380  
U.S.PTO

012204

This is a request for filing a  continuation  divisional application under 37 C.F.R. §1.53(b) of prior application no. 09/849,402 filed on May 4, 2001, for Stable Protein and Nucleic Acid Formulations Using Non-Aqueous, Anhydrous, Aprotic, Hydrophobic, Non-Polar Vehicles with Low Reactivity, by the following named inventor(s):

1. Victoria Knepp Maskiewicz
2. Steven Joseph Prestrelski
3. Jessica G. Smith
4. Manley T. Huang
- 5.

Prior application information: Examiner: Dave T. Nguyen Art Unit: 1632

The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. §1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- 1.
- 2.
- 3.

This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- 1.
- 2.
- 3.
- 4.

1.  Enclosed is a copy of the prior application no. \_\_\_\_\_, as originally filed on \_\_\_\_\_, including copies of the specification, claims, drawings and the executed oath or declaration as filed.

2.  Enclosed is a revised copy of the prior application and a copy of the prior executed oath or declaration as filed.

**SEND TO: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

The prior application is revised to use paragraph numbering instead of line numbering. No new matter has been added to the revised application.

3.  Applicant claims small entity status.

4.  The filing fee is calculated below  and in accordance with the enclosed preliminary amendment.

<b>CLAIMS</b>						
	No. of Claims		Extra Claims	Rate (Large Entity)	Rate (Small Entity)	Fee
Basic Application Fee				\$770 (1001)	\$381 (2001)	770
Total Claims	1	Minus 20 =	0	X \$18 (1202)	X \$9 (2202)	0
Independent Claims	1	Minus 3 =	0	X \$86 (1201)	X \$86 (2201)	0
Multiple Dependent Claims				\$290 (1203)	\$145 (2203)	
<b>Total Fee Due \$</b>						<b>770</b>

5.  Charge **\$770** to Deposit Account No. **10-0750 (Johnson & Johnson)** for the fee due.

6.  A check in the amount of \$\_\_\_\_\_ is enclosed for the fee due.

7.  This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

8.  Transfer the drawings from the pending prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate of this paper is enclosed for filing in the prior application file. (May only be used if signed by person authorized under 37 C.F.R. §1.138 and before payment of issue fee.)

9.  New drawings are enclosed.

10.  Priority of Application No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. §119.  
 The certified copy of the priority application  
 is enclosed  
 was filed on \_\_\_\_\_ in prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_  
 has not yet been filed.

11.  A preliminary amendment is enclosed.

12.  A General Authorization for Payment of Fees and Petitions for Extension of Time.

13.  Other enclosures: \_\_\_\_\_.

14.  Power of Attorney is enclosed  
 37 C.F.R. §3.73(b) statement is enclosed (when there is an assignee).

15.  Associate Power of Attorney is enclosed.

**16. CORRESPONDENCE ADDRESS**

Customer Number: 27777 OR  Correspondence Address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

**SIGNATURE OF APPLICANT, ASSIGNEE, ATTORNEY, OR AGENT**

Name (Print/Type)	Adenike A. Adewuya	Registration No.	42,254
Signature	<u>Adenike Adewuya</u>	Date	01/22/2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Adenike A. Adewuya	Express Mail Label No.	EU428835920US
Signature	<u>Adenike Adewuya</u>	Date	01/22/2004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770)

## Complete if Known

Application Number	Continuation of 09/849,402
Filing Date	
First Named Inventor	Victoria Knepp Maskiewicz
Examiner Name	
Art Unit	
Attorney Docket No.	ARC 2468 N2

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	10-0750
Deposit Account Name	Johnson & Johnson

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770		
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)		770			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Adenike A. Adewuya	Registration No. (Attorney/Agent)	42,254	Telephone	281-477-3450
Signature	Adenike Adewuya			Date	01/22/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.